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C O N F I D E N T I A L TEGUCIGALPA 000171

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MADRID FOR DCM H. LLORENS, BRASILIA FOR CG S. HENSHAW

E.O. 12958: DECL: 02/24/2018  
TAGS: [PGOV](#) [KDEM](#) [HO](#)  
SUBJECT: VICE PRESIDENT SANTOS' BID FOR PRESIDENCY

REF: TEGUCIGALPA 41

Classified By: Ambassador Charles Ford, reasons 1.4 (b & d)

11. (C) Summary: After President of the Congress Micheletti was allowed to run for President of Honduras (see reftel) Vice President Elvin Santos was also emboldened to make a run for it. Analysts initially wrote off this bid, as the constitution states that no person who has acted as president can run for president. This has traditionally been interpreted to include the Vice President, who acts as the head of state when the President is out of the country or ill. But as Santos gathers momentum, the public is reconsidering its position, especially since he is young and charismatic and has substantial appeal as a candidate. If he is allowed to run, the National Party (NP) might have to change its candidate to compete, although we doubt party president and candidate Porfirio "Pepe" Lobo would give up without a fight. The real loser, however, is the constitution, which has been increasingly subject to attack, and has recently been modified several times to suit the whims of powerful political figures. End summary.

12. (C) After the plenary of the Supreme Court decided in January to allow President of Congress Roberto Micheletti to run for President of Honduras (see reftel), Vice President Elvin Santos was also emboldened. On January 28, he announced his candidacy at a celebration in his home, calling his movement "Cambio Liberal" (Liberal Change). On January 30, the Special Prosecutor for the Constitution (constitutional expert) issued a statement that Santos' candidacy is forbidden by the constitution. In fact, Santos' move was dismissed by most of society and the Honduran press for the same reason. Rival Micheletti even dared Santos to take his case to the Supreme Court, as he had done, and Santos declined, saying it was not necessary. (Note: In early February, we were hearing that the Supreme Court was wired to produce a 15 to zero decision to disallow Santos' candidacy. End note). In the past three weeks, however, Santos' popularity has risen steadily as the public appears to be accepting his potential to become President.

Constitutional Question - Can he run or not?

13. (C) Santos has argued steadfastly that the constitution only forbids vice-presidents who have acted as President from running, which he claims he has not. At issue is whether Santos has taken on the role of acting president at any time when Zelaya has been out of the country or ill, or whether he is still serving as vice president in these situations. In order to make a determination, however, he must eventually go to the Supreme Court. The Supreme Electoral Tribunal (TSE) will begin accepting the inscription of candidates on July 15, and when Santos presents himself, the TSE must make a determination. Carlos Romero of the TSE told us that the organization does not want to get embroiled in political issues, and will allow Santos to sign up as a candidate. If anyone denounces his candidacy based on these constitutional issues, the TSE will decline to make a decision as this arena is reserved for the constitutional court (a sub-grouping of the Supreme Court that considers only constitutional issues). The person suing Santos would then have to appeal to the constitutional court.

#### Santos Gathering Support

14. (C) Santos appears prepared to wait as long as possible before forcing a decision, so that he can continue to gather momentum. Legal experts have told us the question is fairly straightforward and if the case were presented to the constitutional court today, Santos would not be allowed to run. The traditional power brokers control the court, and it would not be in their interest to have this young maverick running. If Santos continues to gather momentum, however, he might be seen as a martyr and force the court to allow him to run. Many Liberal Party (LP) stalwarts are disillusioned with their options for president in 2009, and even though they believe it is illegal for Santo to run, they think he is the best candidate, and are thus supporting him. For example, Juan Ramon Martinez, columnist for the widely-read La Tribuna told our contacts that he is using his cache in the media to drum up support for Santos, whom he thinks should be legally barred from running, simply because he does not like Micheletti.

15. (C) Santos is also gathering support from within traditional LP groups. For example, since early 2007, former Head of the Central Bank Gabriela Nunez had been in talks with former popular mayor of Cortes Marlon Lara, respected businessman and former head of the National Electrical Company Juan Bendeck, and respected LP intellectual Rafael Pineda Ponce to form a movement to compete with Micheletti. On February 4, however, Nunez joined Micheletti as his vice presidential candidate. Her former allies were furious that she made this move without consulting them. Lara told us his only option was to publicly join up with Santos. Lara and his group have strong support in the northern region to compliment Santos strength in the south. Lara told us that if Santos is barred from running, he has promised Lara the position of presidential candidate in the movement.

#### Why now?

16. (C) One of the biggest questions on people's minds is why Santos chose to run now. It was widely speculated that Santos had been offered the Presidency of the LP, with the tacit agreement that he would run for president in 2013. Christian Democratic leader Arturo Corrales told post that he was at January meeting in which Micheletti and Santos reached this arrangement. Despite this rumored agreement, Santos announced his candidacy the next day. Why?

17. (C) Most analysts agree that Zelaya was probably the force behind Santos' candidacy. Zelaya has clashed fiercely and publicly with Micheletti to the point that any political pact would be difficult. And since most presidents want to guarantee their legacy (and impunity) after they leave office by placing their people in institutions like the Supreme Court and the TSE, some speculate that Zelaya was desperate to find a way to live on after his term is up. Zelaya found that his only option was to locate a viable candidate he could influence, and that candidate was Santos. From his

current powerful position, Zelaya could offer Santos some security, and that, combined with what most experts agree is an enormous ego, caused Santos to renege on his deal with Micheletti.

Comment

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18. (C) Santos, who we originally viewed as a completely non-viable candidate, has now become a serious contender for president of Honduras. This is worrisome, because as part of the deal with Zelaya, most speculate that Santos' list of congressional candidates and possible ministers will be rife with Zelaya's leftist leaning "Patricios." We believe Santos would be better at controlling them than Zelaya, and Lara told us Santos said he would only bring in "one or two," but having them in powerful government positions could still have a negative affect. If Santos wins the internal elections, the National Party may have to rethink their candidate, who by all accounts will be Lobo, who represents the old guard. Analysts are predicting that a Santos victory would force the NP to switch to a more dynamic young candidate like Ricardo Alvarez, current mayor of Tegucigalpa, but it will be hard to dislodge Lobo. The bottom line, however, is that if Santos is allowed to run for president of Honduras, the real loser is the Honduran Constitution, which appears increasingly vulnerable to change and manipulation to further the interests of powerful individuals, while the public respect for the document, rule of law, and public institutions keeps diminishing.  
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